

U.S. Appln. Serial No. 10/507,171
Amendment Dated: June 2, 2006
Reply to Office Action Mailed: March 2, 2006
Attorney Docket No.: 038665.55361US

Amendments to the Drawings:

The attached sheet of drawings includes changes to the Figure. In particular, the label in block 46 has been changed to conform to the language in the specification, and the designation "Fig. 1" has been deleted.

REMARKS

In response to the objection to the drawings, as set forth in Item 1 on page 2 of the Office Action, applicants have amended the original specification at page 4, line 14, to delete the reference numeral "4" as heretofore applied to the "static mixing blade means" (now changed to "static mixing blades"), and have indicated parenthetically that the latter are not illustrated in the drawing. As indicated in the following sentence, such static mixing blades are well known within the confectionary and food industries, and do not require further explanation or illustration in the present application. Since the reference numeral "4" appears only once in the drawings, and is applied only to the mixing bowl assembly, which is consistent with the text of the specification, modification of the drawing in response to this ground of objection is not necessary.

In response to the further objection to the drawings set forth in Item 2 on page 2 of the Office Action, applicants have changed the label of block 46 to "Non-Contact Level Controller," which is consistent with the specification. (In this regard, applicants note that the original specification at page 5, lines 12-13, states that the Non-Contact Level Controller 46 may comprise an optical sensor, a fiber optic sensor, a laser sensor or an LED sensor.) Further, applicants have also amended the specification at page 3, lines 27-28, to delete the parenthetical expression which indicates that the Fill to Level Controller 42 is not shown. A Replacement Sheet is submitted herewith, which includes the relabeled block 46.

In addition, the designation "Fig. 1" has been deleted, since there is only one figure in the drawings. Accordingly, reconsideration and withdrawal of the objection to the drawings is respectfully requested

The specification has been objected to as failing to provide proper antecedent basis for certain elements recited in the claims which include the word "means." In response to this ground of objection, applicants have revised the claim language to delete the use of the word "means." Accordingly, applicants respectfully submit that the antecedent basis for each of the elements recited in the claims is now clear.

Claims 4-7 have been rejected under 35 USC §112, second paragraph, for failing to particularly point out and distinctly claim the invention, based on several instances in which the word "means" is preceded by other words or expressions, without the recitation of a function as provided in 35 USC §112, sixth paragraph. In response to this ground of rejection, applicants have revised claims 4 and 5 to eliminate the use of the term "means." In addition, the dependency of claim 5 has been changed so that it now depends from claim 4, which provides antecedent basis for the recitation of "said automated ordnance fill level controller." Claims 6 and 7 have been canceled. Accordingly, reconsideration and withdrawal of these grounds of rejection are respectfully requested.

Claims 1, 2, 4 and 6 have been rejected under 35 USC §103(a) as unpatentable over Donaghue (U.S. Patent No. 4,369,689) in view of Hiorth (U.S. Patent No. 4,191,480), while claims 3 and 7 have been rejected as unpatentable over Donaghue in view AECI Ltd. (UK Patent Application GB 2 205 386 A), and claim 5 has been rejected as unpatentable over Donaghue in view of Pyle (U.S. Patent No. 4,503,994). However, for the reasons set forth hereinafter, applicants respectfully submit that all claims which remain of record in this application distinguish over the cited references, whether considered separately or in combination.

By the foregoing amendment, claim 1 has been revised to incorporate the additional limitation that a flow of pre-mixed explosive material toward the static mixer is controlled by a hydraulic cylinder and ram assembly. Insofar as applicants have been able to determine, this feature, which is set forth in the original specification at page 3, lines 16-18, is neither taught nor suggested by Donaghue or Hiorth, or any of the other references of record. Accordingly, applicants respectfully submit that independent claim 1, and therefore claims 2-5, distinguish over the cited combination of references.

In addition, two new independent claims have been inserted. Independent claim 11 defines an apparatus for mixing explosive materials which includes a hydraulic cylinder and ram assembly for providing a flow of pre-mixed explosive material, and a flow meter for measuring a flow of hydraulic flow in the

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hydraulic cylinder and ram assembly as a measure of the flow rate of the pre-mixed explosive material. New independent claim 12, on the other hand, recites that a flow of pre-mixed explosive towards a static mixer is controlled using a hydraulic cylinder and ram assembly. Once again, insofar as applicants have been able to determine, these features are not taught or suggested by the cited references. Accordingly, applicants respectfully submit that new independent claims 11 and 12 are allowable also.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038665.55361US).

Respectfully submitted,



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